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**ATTORNEYS FOR DEFENDANT
BNSF RAILWAY COMPANY**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

JACKSON WELLS, as Personal
Representative for the Estate of
THOMAS E. WELLS, deceased;
and JUDITH HEMPHILL, as
Personal Representative for the
Estate of JOYCE H. WALDER,
deceased,

Plaintiffs,

vs.

BNSF RAILWAY COMPANY, a
Delaware corporation; ROBINSON
INSULATION COMPANY, a
Montana Corporation for profit;
GROGAN ROBINSON LUMBER
COMPANY, a Montana
Corporation for profit; and DOES
A-Z,

Defendants.

Case No.: 4:21-cv-00097-BMM

**DECLARATION OF NADIA
H. PATRICK**

I, Nadia H. Patrick, declare:

1. I am an attorney representing Defendant BNSF Railway Company in this matter. If called as a witness, I would and could competently testify on my own personal knowledge of the information set forth below.

2. Attached hereto are true and correct copies of the documents designated Exhibits A through P:

- A. Plaintiff's Response to Defendants' Motion for Partial Summary Judgment re: Strict Liability for Other Activities, dated 1/21/2021, filed in *Tracie Barnes v. BNSF Railway Company, et al.*, Cause No. DV-15-2016-00111-AE, in the Asbestos Claims Court of the State of Montana.
- B. Order re: Plaintiffs' Motion for Partial Summary Judgment re: Preemption and Abnormally Dangerous Activity and Defendant BNSF's Combined Motion for Summary Judgment on Duty, Strict Liability and Preemption/Preclusion by Judge Amy Eddy, dated January 15, 2019, filed *In Re Asbestos Litigation*, Cause No. AC-17-0694, in the Asbestos Claims Court of the State of Montana.
- C. W.R. Grace & Co. Mine-Mill Operations Dust Survey Report, dated 1975.
- D. Deposition transcript of Harry Eschenbach dated January 4, 2000, in *Robert D. Nelson, et al., v. W.R. Grace & Co.*, Cause No. DV-98-107, et al., in the Nineteenth Judicial District of the State of Montana, Lincoln County, attached in relevant part.
- E. U.S. Army Corps of Engineers Omaha District, Final Feasibility Study Report, dated May, 2015, Figures 2-19 and 2-20.
- F. Deposition transcript of John Swing dated September 14, 2016, in *Kelly G. Watson v. BNSF Railway Company, et al.*, Cause No. ADV-10-0740, in the Montana Eighth Judicial District, Cascade County, attached in relevant part.

- G. Deposition transcript of Julie Hart, Ph.D., CIH, dated November 18, 2022, attached in relevant part.
- H. USEPA 2015 Risk Exposure Assessment.
- I. Historical Report of Frederick Quivik, dated 2002, attached in relevant part.
- J. Deposition transcript of Thomas Wells dated March 25, 2020, attached in relevant part.
- K. Notice of Videotaped Perpetuation Deposition of Thomas Wells, dated March 24, 2020.
- L. Deposition transcript of Kelsea Walder dated June 24, 2022, attached in relevant part.
- M. Final Remedial Action Report Operable Unit 6, May, 11, 2021.
- N. Montana Department of Health Memorandum, dated February 11, 1974.
- O. Affidavit of James Roberts, dated February 8, 2007, *In re: W.R. Grace & Co., et al.*, Chapter 11, Cause No. 01-1139, In the United States Bankruptcy Court for the District of Delaware.
- P. GNRR Economic Analysis and Report on Zonolite, dated 1959.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

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DATED this 16th day of March, 2023.

KNIGHT NICASTRO MACKAY, LLC

By: 

Nadia H. Patrick

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of March, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

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By: /s/ Chad M. Knight _____
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BNSF Railway Company